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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,226	03/17/2004	Joseph Alvarez	69,010-355	3557

7590 12/02/2004
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EXAMINER

NGUYEN, TRUC T

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,226	Applicant(s) ALVAREZ ET AL.	
	Examiner Truc T. T. Nguyen	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-13, 15 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 2-10, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11, 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Erwin (DE 4,042,013).

Regarding claim 1, Erwin discloses a connector for use in a model train, comprising:

a first coupling member (31) associated with a first model train car;

a second coupling member (32) associated with a second model train car, wherein said second coupling member is configured for engagement with said first coupling member;

a first layer (51) of electrically conductive material connected to a first circuit and disposed upon the surface of said first coupling member; and

a second layer (51) of electrically conductive material connected to a second circuit and disposed upon the surface of said second coupling member, so as to result in said first and second model train cars being mechanically and electrically connected when said first and second coupling members are engaged with each other.

Regarding claim 11, Erwin discloses said first coupling member is attached to the rear end of said first model train car and said second coupling member is attached to the front end of

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said second model train car so as to form a train when said first and second train cars are connected.

Regarding claims 18-24, the method claims are deemed inherit.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erwin (DE 4,042,013).

Regarding claims 12-13 and 17, Erwin substantially disclosed the claimed invention except for the shape of the coupling members is a C-shaped.

It would have been obvious matter of design choice to change the coupling member into a C-shaped, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

Regarding claim 15, Erwin substantially disclosed the claimed invention except for the layer is a plurality of electrically conductive elements.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide duplicate the layer to provide a multiple conductive elements,

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since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

5. Claims 2-10, 14, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

Regarding claims 2-4, the prior art of record fails to teach the first and second layers of electrically conductive material are comprise of a flexible electrically conductive material.

Regarding claims 5 and 14, the prior art of record fails to teach a first and second layer of insulating material disposed between the first, second electrically conductive layer and the coupling member respectively.

Regarding claims 6-10, the prior art of record fails to teach said first coupling member includes a horizontal portion having a top and a bottom side, and a vertical portion having an inner and an outer side, wherein said vertical portion is located at a distal end of said horizontal portion and is configured so as to be perpendicular thereto, thereby forming a drawbar; and

said second coupling member includes a top and a bottom side and is configured horizontally so as to be parallel with said horizontal portion of said first member, said second coupling member further including an aperture therein at a distal end of said second coupling member, said aperture being configured to receive said vertical portion of said first coupling member.

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Regarding claim 16, the prior art of record fails to teach the plurality of electrically conductive elements are separated by a plurality of intervening portions of insulating material.

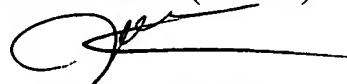
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. T. Nguyen whose telephone number is 571-272-2011. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Truc T. T. Nguyen
Primary Examiner
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